THE COURTS.

Finale of the Trial of Mayor Hall---The Jury Disagree and Are Discharged.

THE POINT OF DISAGREEMENT

"We Could Not Agree Upon the Question of Wilfulness and Intention."

THE BALLOT.

Seven for Conviction and Five for Acquittal--"On This We Never Varied."

No Feeling but That of Duty as Citizens-The Effect in Court.

THE TWEED INDICTMENT.

Prosecuting Counsel Urging Upon the Court to Fix an Early Day for the Trial of the Ex-Boss-No Day Fixed.

THE ROSE MCABE INSANITY CASE.

She Tells Her Own Story as She Told It Before-The Order for Her Discharge Not Yet Granted.

THE M'CUNN WILL CONTROVERSY.

Proof of the Execution of the Original Will and Two Codicils Submitted to the Court-A Genealogical Issue.

BUSINESS IN THE OTHER COURTS.

The trial of Mayor Hall came to its final result pesterday, so far as the proceedings initiated just ight days ago are concerned, by a disagreement of the jury, and their consequent discharge by Judge Brady when he ascertained that it was imible that they could agree. The jury were locked up all night, from four o'clock on the previous day, and it appears, from their own statement to the Herald reporter, that they spent an anxious night in deliberating and balloting for the result.

They say that the utmost cordiality and good feeling existed from the moment they entered their reom until discharged from all further consideration of the question. The manner in which they discussed the question among themselves, and the point of difference, which led to an irreconcilable uncompromising disagreement, as detailed by them to a HERALD interviewer, will be found be-There was a very crowded attendance-a srowd which ignored seats, but, pushing forward as close as possible and hemming in, as in a semi-circle. the principal actors on the scene, awaited with were to decide upon the Issue as between the people and the Chief Magistrate of the city. Mr. Hall and his counsel were present, as were also all the prosecuting counsel. The proceedings were brief, but most interesting, a full report of which is an-

The case of Miss Rosa McCabe, the alleged lunatic nun, known in her Order as Sister Mary of Stanislaus, came up for a hearing yesterday before Judge Sedgwick, of the Superior Court. The purpose of the examination is to show that she is sane, and therefore that there is no legal or justi-sable ground for keeping her in a lunatic asylum, where she has been confined for eighteen months past. She told her own story about the same as she told it before Judge Leonard, of the Supreme Court, some time since. The examination is not yet concluded.

before Surrogate Hutchings. The only business done was the examination of witnesses and the production of papers necessary in the case-one of which was the certificate of the deceased's naturalization as a citizen of the United States. The original will and two codicils were proven to be the declared last will and testament of the deceased.

MAYOR HALL.

Interesting Proceedings Yesterday-The Jury Disagree and Are Discharged-Seven for Conviction and Five for Acquittal—The Feeling in Court—Adjourn-

Yesterday was the final and eventful day of the very important and eventful trial of the people of New York against the chief magistrate, Mayor Hail. Many an anxious thought no doubt had been centred in that room in the Court House known as jury room, and where twelve of the people throughlong night were deliberating on the issues submitted to them as between all the people and the accused. The Court was respects present the same appearance as on the other days of the trial. The piles of law books had disappeared; the bustle of counsel was no longer present: the conferences and consultations were at an end, and even the crowd of spectators, no longer curious, but anxious, all denoted that the denouement of the drama was fast approaching, and the appearance of the twelve men locked up in their room all the past night was eagerly looked

Judge Brady having taken his seat on the bench. Mr. Valentine, by order of the Court, announced to the jury that the Court was ready to receive them.

After several minutes' delay, which appeared an After several minutes' delay, which appeared an interminable time to the anxious crowd, a murmur went through the court room, "Here they come; here's the pity." That body, preceded by Mr. Valentine, the crier of the Court, slowly entered and took their seats in the jury box.
Mr. Spark, the Clerk, rising, said, "Gentlemen of the jury, answer to your names," each responding, the full number being present. The Clerk asked, "Gentlemen of the jury, have you agreed upon a verdict?"

"Gentlemen of the jury, have you agreed upon a verdicty"
THEY DISAGREE AND ARE DISCHARGED.
The Foreman (rising and addressing the Court)—
Your Honor, we have not agreed, and it is impossible for us to agree.
Judge Brady—Do you think if I kept you a little bonger together you would be able to agree? What is the feeling among you?
A juror (responding)—We cannot agree; it is impossible for us to agree; we have taken several ballots, all with the same result.
Judge Brady (looking at counsel)—Then I don't think there is anything for me to do but to discharge the jury; I cannot keep them together any longer with no probability of their agreeing.
Judge Brady (to the jury)—Then I understand you to say that, after considering and discussing the case on the different aspects in which it has been exhibited to you, it is impossible for you to agree, and that is the opinion of you ail?
The Jury (all speakinty—Yes.
Judge Brady—Then, you are discharged.
The jury then left the box and, crusting their way through the crowd that blocked every passage, proceeded to the Clerk's room to receive their fees.

Deep silence was maintained throughout by the arge audience from the moment of the jury taking their seats till their retirement. Every word poken by Judge and jury was breathiexely listened

to. Sympathy with Mayor Hall might have been, and no doubt was, the prevaley't feeling; but not a word was whispered to indice/ie the tone of mind of any one present. For solve minutes, even after the rethrement of the juy, the universal silence prevailed, and was only broken when Mr. Tremaine rose and addressed the Court in reference to other coming trials on ind/tements founded upon the charges of fraud agoinst the members of the old Tammany Ring.

We will be coming the Court — Your Henor will remember the indictments against Tweed and others. I had hoped that we might proceed immediately to the trial of Tweed. The District Attorney has notified counsel and the bailsment to have Tweed here day after day, for the purpose of pleading to the indictment and to have an early day fixed for the trial; but each morning notice was given that this other trial was going on, and it was impossible to break in upon it. I had hoped to proceed this morning, but I understand now that Your Honor has other engagements, and that it will therefore be impossible to proceed now. On the part of the prosecution I would ask the Court to fix some reasonably early day for the presecution of this indictment. It is the earnest desire of the prosecution that all against whom those indictments have been found be brought to trial and their cases disposed of without unnecessary delay. I would be very glad if Your Honor would fix some time in November consistent with your other engagements and as might give the defendants sufficient une to prepaire for trial. For this reason I call Your Honor way not entirely adjourn the term, but fix a day for the trial and disposition of those cases.

Judge Brady—I am not certain that I will be able to be defendents sufficent time to be to be the trial and disposition of those

Your Honor may not entirely adjourn the term, but fix a day for the trial and disposition of those cases.

Judge Brady—I am not certain that I will be able to hold the oyer and Terminer this month. Doubtless you know that I am assigned to the General Term, and the business of that Court, I think, will require that I sit there the whole month. I am not certain but that will be so. It is hardly impossible, however, but some judge from this district may come here and hold Oyer and Terminer, and so far dispose of a number of indictments. I will adjourn the Court to next Monday fortnight.

Mr. Tremain—In the meantime I only say that I hope Your Honor will find it possible to attend to the business of this Court for the term, and that other judges be procured for the other Court.

Judge Brady—Very well, sir.

MR. HALL ADDRESSES THE COURT.

After Mr. Tremain had got through Mr. Hall arose, and, addressing the Court, said:—"If the Court please, I ask if the order made in the beginning of the trial, and which was acceded to in the very eloquent address of the Attorney General when he said something like this—'I am glad that the defendant had a separate trial—I ask whether that order appears on the minutes. It is the usual duty of the District Attorney to see that orders of that kind are entered. If they have not been entered, I respectibily ask that they be now entered nume pro tune.

Judge Brady—No impropriety in that. If the order is not on the minutes it must be so entered. Mr. Hall soon after slowly left the court room with his counsel, Mr. Stoughton, the few loiterers who remained to the last immediately disappeared, the Court adjourned till Monday, the 18th inst., and the theatre wherein was enacted the legal drama of The People and their Chief Magistrate was left once more to solitude.

The Jury Interviewed-Interesting Statements by Several of the Jury-Seven for Conviction, Five for Acquittal-The Ballot Never Changed-No Feeling but That of Duty as Citizens-A Most Amicable and Cordial Discussion, but a Dreadfully Uncomfortable Room.

On the discharge of the jury in Mayor Hall's trial the Clerk of the Court, Mr. Sparks, informed them that if they went to his office, at the Court of General Sessions, their certificates would be given to them. None of the jury knew where this office was, and a Herald reporter volunteered to direct them. In the walk along the vestibules of the Court House and across the Park to the General Sessions Court, and the Clerk's office, an opportunity was afforded the reporter to have a conversation with nearly all the jurymen. The substance

of that conversation is as follows:— Mr. Charles J. Brill is a German, and was the foreman of the jury. He was asked how the jury Mr. Brill—Seven for conviction and five for ac-

Mr. Brill—Seven for conviction and five for acquittal.

Reporter—Was that the first ballot, Mr. Brill?

Mr. Brill—Immediately we retired and had taken our seats in the room we ballotted, and that was our ballot, without any comment whatever by any member of the jury.

Reporter—Did that continue as the result of your ballotting?

Mr. Brill—It was never changed. From the moment we entered the room to our appearance in Court that ballot was never changed. We tried it many times during the night, after long discussion, but the result was the same.

Reporter—You told the Judge, on behalf of your fellow jurymen, that you thought it was impossible for you to agree. I presume that was your conviction?

Mr. Brill—I believe if we had been locked up for

Mr. Brill—I believe if we had been locked up for three nights, or any time, the result would have

Mr. Brill—I believe if we had been locked up for three nights, or any time, the result would have been the same.

Reporter—Is there any objection to your giving me the names of the minority, Mr. Brill?

Mr. Brill—Well, sir, there is a kind of tack understanding among us that this shall not be done. I believe that every one of the jury was thoroughly conscientions in his belief; he was not influenced, in my judgment, by any other feeling than that of obligation to his oath. Believing that, I think we should respect each other's confidence.

THE POINT OF DISAGREMENT.

Reporter—What was the difficulty?

Mr. Brill—Our trouble was that we could not agree upon the wilulness. I think we might have agreed upon the question of neglect; but then, even in the consideration of that, we differed as to the character of the Mayor's neglect. Some of the minority were of an opinion that there had been no proof by the prosecution that he had not audited. It was in the consideration of that point that we decided to send for the transcript of the stenographer's notes, and which the Judge declined to let us have. I think we might have come to a conclusion if we had had that evidence.

Reporter—Were you all agreed on the question of fraud?

Mr. Brill—I don't think any one of the jury ever suggested or wished to suggest that the Mayor did what he did fraudulently.

Reporter—Do you mean was a party to a fraud or participated in the results of the fraud?

Mr. Brill—None of us took that ground or believed it. It was entirely a question whether his neglect to the motive.

At this point Mr. Lyon, another of the jurymen, a coal merchant and a president of a title park vined.

Mr. Hyon.—Yes, I think we were, but we were all satisfied that there had been neglector the Mayor?

Mr. Lyon—Yes, I think we were, but we were all satisfied that the part of the had you had had any instructions from the judge as to this point of the satisfied that which I have done myself, and which thousands of city men do to-day, signed warrants and certificates on the faith of an audit by some responsible person.

Reporter—Then you took the ground really that the Mayor's duties were simply ministerial, and that in that view he faithfully performed them?

Mr. Lyon—Yes, with this difference, that if the Mayor was called upon to audit and did not do it then he was gullty of will'ul neglect. On that point my impression is that the prosecution did not prove that he did not audit. It was to satisfy myself and others on this point that we wanted to see the evidence.

Reporter—Then do I understand that you were all satisfied that there had been neglecton the part of the Mayor?

Mr. Lyon—Yes, I think we were, but we were all under the impression that we must define the character of that neglect, and when we came to do that we differed, and atter long, honest and faithful talk, I believe when we went to a ballot it allways turned up seven and five. From this difficulty we could not get away. The majority and minority were equally firm.

Reporter—Do you think if you had had any instructions from the judge as to this point you would have agreed?

Mr. Lyon—Yes, I do, and I was for that being asked of the Court, and for the judge to send us back. I believe if we had been sent back we should have agreed.

Reporter—Do you think if you had had any instructions from the judge as to this point you would have agreed.

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fully.

Reporter—Then you don't think he was called

Reporter—Then you don't think he was called upon to audit?

Mr. Warshing—I don't think the prosecution ever proved that he was, and I wish the Judge would have let us had the trans. Tipt of the evidence.

Several of the Jury—Oh! if we had had that we should never have got to any decision.

Mr. Warshing—Weil, we have not now.

Mr. Lyon—Why, we all know that we should never get through our business if we did not take a great deal for granted and rely upon, our employes for accuracy of detail. I don't take he ought to apply to the Mayor one rule and another to ourselves. Though they put us into a dreadfully uncomfortable room, with an escape of gas from one of the pipes, and we were obliged to dyen the window on a cold night, I think it would have been better for us to have gone back again anter an instruction from the Judge.

Several of the Jury—That is better as it js. We should never have agreed.

Mr. Sparks—Here are your certificates, gentlemen.

as speedily as possible, and hoped never to be on a jury again. There was a very cordial feeling among them, and, although they differed in this matter, their relations with one another were of the pleasantest kind, and in many cases a friend-ship begun in the jury box seemed likely to blossom into a more intimate acquaintance, and hearty in-

Counsel on Judge Brady's Charge.

At the close of Judge Brady's charge on Mayor Hall's case, he said to the jury:-Hall's case, he said to the jury:—
Gentlemen of the Jury:—Before you take your seats I have to say that here is a very serious-looking bundle of papers, consisting of requests to charge—both for the people and defendant. (To connsel)—Gentlemen, do you require me to charge on these requests?

Mr. Stoughton, for the defence—We do not, sir; we are entirely satisfied, and we would not ask Your Honor to vary the charge.

Mr. Tromain, for the prosecution—We are entirely satisfied with the charge, Your Honor.

Judge Brady then directed the jury to retire.

ROSE M'CABE.

Another Judicial Investigation as

Judge Sedgwick, of the Superior Court, who granted the second writ of habeas corpus in the Mary of Stanislaus, the object being an investigation touching the question of her sanity, set down the case, as will be remembered, peremptorily for a hearing yesterday. At the appointed hour there was a large attendance in Court.

Mr. John D. Townsend, her counsel, called her to

the witness stand. Mr. Vandervort, who appeared for the Commis sioners of Charities and Correction, referred to the recent examination before Judge Leonard upon

Mr. Vandervort, who appeared for the Commissioners of Charities and Correction, referred to the recent examination before Judge Leonard upon a similar suit, and insisted that the present examination could not cover her mental condition prior to that time, the same being res adjuticata, but must be limited to an inquiry as to her mental condition since that time.

Judge Sedgwick put an estoppel to this sort of legal quibbling by stating that the present case was one in which the introduction of mere legal technicalities could not be allowed.

Upon this decision of the Judge Miss McCabe was placed on the witness stand. She took the stand with the same quiet modesty as before, and, dressed in the robes of her order, looked like a witness who certainly would tell the truth. Mr. Townsend asked her to tell her story, which she proceeded to do in a most simple, unaffected manner, and whatever there was of hiatus or want of continuity to the narrative was owing not so much to her form of telling a straigntforward and connected story as to the frequent interruptions of the opposing counsel, which seemed evidently made with a view to embarrass her. A sweeter and more plaintive voice is seldom heard, and her story, in the course of which she was often obliged to desist through being choked with tears at the memory of the cruel wrongs and privations to which she has been subjected, not only during the eighteen months she has been in a lunatic asylum, but long before this, was listened to with the deepest interest, particularly by the score and more of ladies present. She told the same story as before Judge Leonard, and which, having been published in full at the time in the HERALD, does not require repetition. Her parrents are dead, and she had seven sisters and one brother. One of the sisters is dead, but three others, with herself, early consecrated themselves to the Church, and are now members of various convents. She entered the Convent of St. Catharine in he had been in different convents, and described the life she l

THE M'CUNN WILL CASE.

ponents—The Will in Quesiton De-clared by the Testator to Be His Last Will and Testament—The First and Second Codicile. The examination of witnesses in the contested

McCunn will case was resumed yesterday before Surrogate Robert C. Hutchings. Considerable interest is manifested in the proceedings, inasmuch as the genealogy of the deceased is an important question in the issue independent of the pecuniary difference it may make as for or against the proponents and contestants.

Mr. Abraham, a clerk in the Surrogate's Office.

testified to the deposit of the will by Dr. Gayno, prother-in-law of the deceased and one of the executors, and its being kept on the files of the Court.

The certificate of the Board of Health of Judge McCunn's death was put in evidence, as also a like certificate of the death of David L Chatfield, one of the subscribing witnesses to the will and the first There was also put in evidence a certified copy of

codicil.

There was also put in evidence a certified copy of a naturalization paper, showing that the deceased, prior to his death, was a citizen of the United States. Dr. James M. Gayno, brother-in-law of the deceased judge, testified to the execution of the first will by deceased in 1864, in the presence of chatfield and himself; that the judge then declared it to be his last will and testament, and requested that they should subscribe to it as witnesses. Witness related mimitely all that occurred on that occasion and identified the signature of Chatfield, both to the original will and the first coilcil. Witness further testified that the deceased requested him to be very careful of the will, that there were parties here who would rob his wife of every cent if he should die without a will. The will after its execution was deposited in the safe in the deceased's library, where it remained till three days after his death, when Mrs. McCunn opened the safe, took out the will and read it. Witness immediately after that brought the will to the Surrogate, when it was put on file.

Michael J. McCarten, one of the attorneys for the executors, testified to the execution by the deceased of the second codicil on the night of the 21st January, 1870, previous to his departure for Europe on the following day, and which codicil he had written at the dictation of the deceased. Witness also testified that the attestation clause to the codicil was written by him at the dictation of the deceased.

deceased.

Mary McHugh, a domestic for eighteen years in udge McCunn's house, who was also a witness to he second codicil, corroborated in all particular Ir. McCarten's (the previous witness') testimony, he case was then adjourned.

BUSINESS IN THE OTHER COURTS.

UNITED STATES DISTRICT COURT. Bankruptey Calendar for This Day.

Before Judge Blatchford.
Washington A. Connolly vs. William A. Allen.
Pulz et al. vs. Power and Aveilhe.
Dowdney vs. Mullins.
Regensburger vs. Hacker and Forcheimer.
The Chrome Steel Company vs. Gaynor, Emmett and Haughlan.

The Chrome Steel Company
and Haughian.
Buckman vs. Samuels and StenbergMcCaffery et al. vs. Gay.
McCaffery vs. Hanson.
Livermore et al. vs. Bamberger.
Cochrane vs. Courtney.
Pheticplace vs. McCauley.
Decision.

Yesterday Judge Blatchford rendered his decision in the case of the United States vs. Two Trunks, containing fringes. The fringes were seized on board the steamer Ville de Paris, for alleged non-payment of duties. They were found in the possession of a man named Furman Serenne, The Judge orders the condemnation of the goods, execut the trunks.

SUPREME COURT-CHAMBERS. Decisions.

Pecisions.

Ry Judge Ingraham.

Having vs. Rust et al.—Memorandum for counsel. Grovenstein et al. vs. Davis et al.—Motion granted.

American Bible Society vs. Stark et al.—Same. Lowenthal vs. Wolf.—Motion dismissed and injunction dissolved.

Well et al. vs. Bennet et al.—Principal having been surrendered this motion is dismissed.

Wilkins vs. Kenne.—Motion denied.

Cornish vs. Cornish.—Motion granted.

Ulman et al. vs. Ulman.—Same.

Jacobb vs. Page.—Bame.

Davis, receiver, vs. Diller et al.—Motion granted on payment of costs of default and motion.

Patrick Moynahau vs. Robert M. Dorr.—Both parties in their pleadings ask for a receiver of the partnership property, and it seems proper that such receiver should be appointed.

Morphy vs. Duncan et al.—Report of referee confirmed.

In the matter of the petition of Pranz-Kutbach.—

firmed.
In the matter of the petition of Franz Kuibach.—

struction from the Judge.

Several of the Jury—That is better as it js. We should never have agreed.

Mr. Sparks—Here are your certificates, gentlemen.

The jury then went to Mr. Sparks' desk, each received a certificate for fourteen days' attendance, and said they should each make tracks for home

Supervisors of New York.—Motion for mandamus to audit the relator's claim granted.

In the matter of the petition of Philip Waiters et al. to vacate assessments.—Motion granted, unless the assessment be cancelled within five days after service of order herein.

By Judge Brady.

Morris vs. Lunt et al.—Order settled.

COURT OF GENERAL SESSIONS. the Term. Before Recorder Hackett.

The Grand Jury of this court, which has only been in session a few days, was discharged for the term, having found a large number of indictments term, having found a large number of indictments for felonies of various grades, burglary and robbery predominating. After considerable delay the prisoners were brought into court and arraigned. All of them pleaded not guilty, after which the Court adjourned for the term.

Recorder Hackett has held court uninterruptedly during the month of October, and not only tried several important homicide cases, but sent quite an army of pickpockets and professional burglars to the State Prison.

TOMBS POLICE COURT.

The Police Caring for the Pickpockets-A Small Boy Stealing a Pair of Shoes. Since the cold weather set in the number of pickpockets arrested has increased greatly. Men in general now button up their coats tightly about

them, and the corresponding difficulty incurred by the *chevaliers & inclustrie* leads to their easier capture. No less than four cases were brought before the notice of His Honor Judge Dowling at the Tombs Police Court yesterday.

The first case was that of Thomas Mackey, a sea-faring man, against John Halloran. Mackey had

faring man, against John Halloran. Mackey had received his pay at the Sailors' Exchange, and had gone into a liquor store in Rooseveit street. Halloran was asked to drink with him, and, having performed that operation, commenced a little business on his own account. While Mackey was standing at the bar he missed his money, and accused Halloran of taking it. Halloran ran out, and was followed by Mackey and the proprietor of the saloon. With the assistance of Officer Heaviside, of the Fourth precinct, he was captured. Judge Dowling committed him to answer in default of \$1,000 bail, and sent Mackey to the House of Detention to insure his being on hand to testify.

Henry R. Linwood, of 42 Cortlandt street, was standing in a crowd near the Tribune office, and felt a man's hand in his pocket. He said nothing at the time, but watched the manœuvres of the affectionate stranger. He saw that he was joined soon by a companion, and they moved among the crowd, jostling every one who seemed to have anything worth stealing. Mr. Linwood called the attention of an officer and had both of them arrested. The man who placed his hand in Mr. Linwood's pocket, and whose name is Matthew O'Neil, was held to answer by Judge Dewling. The other had to be discharged, as there was no evidence against him.

This affair was no sooner disposed of than another light-ingered gent, named Thomas Rogers, was brought in. He was seen to put his hand in a gentleman's pocket on Broadway by Officer Eldridge. The Judge committed him, in default of \$500 bail.

A SMALL BOY AND A PAIR OF CHICKENS.

A SMALL BOY AND A PAIR OF CHICKENS.

Just as the Court was about closing a small boy was ushered before the Magistrate. The boy was very young and very good-looking, and he blubbered like a baby.

"What's the matter with this child?" asked His

Honor.
Officer—I saw him trying to steal a pair of chick-Boy (still crying) —Ten years, sir.

Judge Dowling—Where do you live? Have you

said, "I'm his mother, sir, and I think it's all a mistake."

Judge Dowling—If you are his mother you should correct him and not try to encourage him in that way. The officer saw the boy stealing the chickens, and that's evidence enough. But take him home now, and if I ever get him here again I will send him to the House of Refuge.

A MOBERN BEAU BRUMMELL.

How Boarding House Keepers Were Victimized by a "Real Nice Man"-Silk Dresses, Lace Curtains, Gold Watches and Diamonds Vanishing Promiscu-

Jacob Stuyvesant, alias Livingston, alias De Pyster, is a festive individual, fond of other peoe's property, and having an insatiable desire to steal and a cultivated repugnance to honest toll of any kind. He wears exquisite garments of the latest pattern, parts his hair in the middle so as to keep his head well balanced, and out-Chesterfields the lamented Lord Chesterfield himself in point of manners and address. Thirty-two Summers have lavished their radiant smiles upon him, and still

for now is the Winter of his discontent at hand, nor is it made at all glorious by the sun of York (New), which streams through the prosaic bars of his cell at the Tombs. Having employed his leisure time recently in selling people, it is, perhaps, quite in accordance with the eternal fitness of things that he should himself occupy a cell—at least, so thought Judge Shandley yesterday.

This modern Beau Brummell has been working

that he should himself occupy a cell—at least, so thought Judge Shandley yesterday.

This modern Beau Brummell has been working what is commonly known to the police as THE "BOARDING HOUSE ROUTE."

Some weeks ago he "agitated" the bell at No. 153 East Fifty-first street and inquired for board. Terms were soon agreed upon and he was conducted to the third story, front room. After remaining in his room a couple of hours he went out, carrying with him \$45 worth of property, belonging to a gentleman who had been quartered in the same apartment, and who had not yet removed his effects, and, strange as it may appear, our hero forgot to return. His next adventure was at 120 East Nineteenth street, where on the 14th of October he engaged board for himself and wife. He gave the landlady several references which eventually turned out to be worthless. It was about ten o'clock in the morning when he engaged his room and board, and, going to the former, told the servant he was sick and did not wish to be disturbed. His baggage not arriving, which, together with several other taings the landlady had noticed, served to excite her suspicion, and about six o'clock in the evening she sent a servant to the room to see if he was still there. The door was locked and boited, and not a sound could be heard in response to the vigorous raps of the domestic. A couple of officers were called in, and on bursting the door open

THE BIRD WAS FOUND TO HAVE PLOWN, together with \$229.75 worth of property. Several days later he called at 58 West Twenty-third street and asked the servant if Mr. Ronald Thomas, a boarder at the house, was in. Mr. Thomas was not in, "Well, I am a friend of his and am to stay overnight with him, and if you will show me to his room I will wait till he comes in." His request was compiled with, and when Mr. Ronald Thomas came in at six o'clock he was just \$290 poorer than when he went out in the morning.

On the 25th of October he engaged board at 151 East Thirty-fourth street, and after he had been in the house a few h

BROOKLYN COURTS.

The "Silver Gang" Broken Up-Heavy

Sentences.
Before Judge Moore and Associate Justices. Michael O'Brien and Thomas Brown, two mem-

Michael O'Brien and Thomas Brown, two members of the notorious "Silver gang" of burglars, were placed on trial yesterday for robbing Major Thompson's house, 115 Gates avenue, of \$250 worth of silverware. The principal testimony against them, as in the trials of the other members of the gang, was that of the informer, William Higgins, who swore that he was an accomplice in the robbery. Captain Ferry recovered the property where Higgins said he would find it. The prisoners were convicted and Judge Moore sentenced each of them to the State Prison for seven years and ten months. Peter Weir, another convicted member of the gang, received a similar sentence. Higgins, the informer, was discharged, with a warning to leave this part of the country, as it might not be safe for him to remain here. Thomas Devine and Matthew Bruman, alleged to have been workers in the gang also, were released for want of evidence.

An Old Offender Caught.

One evening last August, Edmund Hayes, an em-

One evening last August, Edmund Hayes, an em-

ployé at Woodroff's stores, while walking on Fur-man street, near the South ferry, was at-Hayes gave an alarm and the footpads fled. One of them, John Waters, was subsequently arrested. He was convicted yesterday and sentences to the Penitentiary for two years and six months. Waters is an old offender, having previously been in the State Prison and Penitentiary. UNITED STATES SUPREME COURT.

An Old California Suit Against the Government—Curious Instance of a Sale of Confiscated Property—Important Suit Between the State of Texas and the El Paso Railroad.

No. 196. Cross vs. the United States-Appeal from the Court of Claims.—This was a claim by Cross under a lease from one Laffarans of property in San Francisco to the government for ten years at \$1,500 per month, dated January, 1851. The action was commenced in 1856 to collect rent for three years then last expiring; but the Court of Claims found that there was such a technical defect in the transfer under the lease that the suit could not be maintained. Thereupon, Congress passed a joint resolution authorizing the Court of Claims to enter a judgment for the claimant if his equitable claim was found to be good, notwithstanding the defect in the lease, and afterwards judgment was so entered. Subsequently suit was brought for rent accruing after the commencement of the former action; but the Court of Claims held that the action of Congress referred to the former action merely, and that the Court had exhausted the authority conferred by the judgment rendered in that case. The appeal maintains that to hold that the action of Congress referred only to that suit would be absurd; that the intention of Congress was manifestly to do justice to the claimant under the lease, it his claim under it was equitable, and the authority to the Court was to give him judgment for all that was due under the lease. The government insists upon the theory of the Court of Claims.

J. J. Coombs for claimant; C. H. Hill for United States.

No. 202, Turner vs. Smith—Appeal from the Su-

J.J. Coombs for claimant; C. H. Hill for United States.

No. 202. Turner vs. Smith—Appeal from the Supreme Court of Appeals of Virginis.—The question in this case is whether a sale, under the act for the collection of direct taxes in insurrectionary districts, in disposing of the fee, also disposes of a rent charge upon lands. The appellee had such a charge upon premises in Alexandria, Va., at the commencement of the war, and lived upon the place. Taking sides with the rebellion, he abandoned the property and went beyond our lines. The property being sold for taxes, this suit was brought after the war against the purchaser (Turner) at the tax sale, to enforce the claim for annual rent, amounting to \$224, and the decree was for the claimant. The Court of Appeals sustained it and it is now here for final review, the appellant claiming that the Smiths occupied the premises and paid State and municipal taxes as owners, and are now estopped from disclaiming absolute ownership; that Turner received a full and unencumbered title by the sale, Congress having power to declare that the certificate of the Tax Commissioners should be such a title. The appellee submits, without argument, the point that the act of Congress under which the sale was made is void, and contends that the Commissioners exceeded their authority under the act, and thereby rendered the whole proceeding void if it were not otherwise.

P. I. Smith for appellant; C. W. Wattles for ap-

therwise. F. L. Smith for appellant; C. W. Wattles for ap-

F. L. Smith for appellant; C. W. Wattles for appellee.

No. 395. Davis, Governor of Texas, et al., vs. Gray, Receiver of the Memphis and El Paso and Pacific Railroad Company—Appeal from the Circuit Court for the Western district of Texas.—This is the reargument of this cause on printed briefs, as directed by the Court in the Winter session of the present term. The case is that of the Receiver of a Railroad seeking to enjoin the officers of the State of Texas from executing patents to other parties to lands reserved for the use of the road. Injunction was obtained below to restrain the State action as prayed, and it was here maintained that the federal courts were without authority to interfere by injunction to control the action of State public officers having in charge the disposition of public lands. The Court, not feeling satisfied with the presentation of the case, directed reargument by filing printed briefs on this particular point, and they were now filed for its consideration. The company contend that the fact that the defendants are State officers, acting under color of authority from the State, cannot prevent the courts of the United States from issuing an injunction to restrain their doing irremediable injury to property in the custody of this Court by the effect of the receivership, and that the fact that the injunction is as to the disposition of public lands does not affect the question of power no more than if it was other property. The State contends that it is her sovereign authority which is to be affected, and that she is in fact the defendant, and that in such a case the lederal courts are by express constitutional provision without jurisdiction to issue such a case the federal courts are by express con-stitutional provision without jurisdiction to issue

the writ.

B. R. Curtis and C. Parker for the railroad; T. J.
Durant for the State.

MARRIAGES AND DEATHS.

Married.

BROWER—SCHULTZ.—On Tuesday, October 29, at the residence of the bride's parents, by the Rev. John McC. Holmes, D. D., of Hudson, ANDREW S. BROWER to ETTA M., only daughter of John H. Schultz, Esq., all of Brooklyn.

Poughkeepsie papers please copy.

DE BARY—CEGIL.—la New York, on Wednesday, October 30, by the Rev. Doctor Morgan, of New York, A. DE BARY to Augusta R., daughter of John R. Cecil. all of New York.

GAYNOR—FOSTER.—At the house of the bride's parents, on Wednesday, October 30, by the Rev. Dr. Brussells, John GAYNOR to Miss LOUISE FOSTER, both of New York city. No cards.

HENDERSON—ROBINSON.—On Thursday, October 31, at the residence of the bride's parents, by the Rev. Frederick Sili, GEORGE D. HENDERSON to SARAH L., daughter of Andrew Robinson, Esq., all of this city.

JUNES—PENDLETON.—In this city on Wednesday.

Jones —PENDLETON.—In this city, on Wednesday, October 30, 1872, by Rev. Samuel Cooke, D. D., McKendree W. Jones, formerly of Virginia, to GERTRUDE PENDLETON.

Virginia papers places copy

GERTRUDE PENDLETON.

Virgini's papers please copy.

KIMBALL—CURRIER.—On Wednesday. October 30, at the Anthon Memorial church, by the Rev. R. Heber Newton, Robert R. KIMBALL, of Boston, Mass., to ELLA L. CURRIER, daughter of R. B. Currier, of this city.

MORTON—SMITH.—On Wednesday, October 30, at the Scotch Presbyterian church, by Rev. Dr. Satthe Scotch Presbyterian church, brooklyn, on Thursday, October 31, by the Rev. Dr. Bancroft, Mr. Harkorf Napier to Miss Nicoline, daughter of the late Captain Julius Erickson, United States Army.

ROTHSCHILD—SCHAFER.—On Wednesday, October 30, 1872, by Rev. Dr. Adler, Hugo Rothschild to Canoline Schafer, daughter of Mayer Schafer, all of this city.

Sallier—Cassidy.—In the Chapel of the Sisters of Mercy, Rochester, N. Y., on Thursday, September 26, 1872, by the Rev. J. Stewert, William H. Sadlier, of New York, to Annia M., daughter of P. Cassidy, Esq., of College Point, L. L.

ALLEN.-On Thursday, October 31, SARAH ANN

Died.

ALLEN.—On Thursday, October 31, SARAH ANN ALLEN, aged 65 years.

The relatives and friends of the family are respectfully invited to attend her funeral, from the residence of her son-in-law, Christopher Johnson, 153 Prince street, on Sunday, November 3, at one o'clock P. M.

BOYD.—On Thursday, October 31, of heart disease, Hemon Boyp, of 168 West street, aged 84 years.

The friends of the family are invited to attend the inneral, from his son's (Williard Boyd) residence, at Bambridge street, four doors from Patchen avenue, Brooklyn, this (Saturday) afternoon, at two o'clock.

BUILER.—On Thursday, October 31, EDWARD MARTIN, son of Martin and Ellie Butler, aged 5 years, 11 months and 14 days.

"Suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven."

The relatives and friends of the family are respectfully invited to attend the funeral from the residence of his parents, 526 West Fifty-drst street, this day (Saturday), at one o'clock P. M.

BYRNES.—At Cannelton, W. Va., on Saturday, October 26, of congestive fever, after one day's liness, Albert, infant son of Thomas H. and Emily Byrnes, aged 4 months and 23 days.

CHANDLER.—Suddenly, at Greenpoint, L. I., on Thursday evening, October 31, ALONZO DAVID CHANDLER, son of Deborah Ann and the late David Chandler, in the 23d year of his age.

Funeral services at his late residence, pa India street, Greenpoint, this (Saturday) evening, at eight o'clock. The remains will be taken to Westbury, L. I., for interment.

COLVER.—Suddenly, at her late residence, Darlen, Conn., Mary Hancock, wife of Vincent Colyer.

Notice of funeral hereafter.

COSGROVE.—On Thursday morning, October 31, BRIDGET COSGROVE, are invited to attend the funeral, from her late residence, 113 West Forty-sixth street, on Saturday afternoon, November 2, at two o'clock.

COSTELIO.—On Thursday, October 31, ELLEN COSTELIO, aged 17 years and 7 months, dangher of James and Mary Costelio, of Castle Island, county Kerry, Ireland.

The funeral will take place from

parish of Ballingarry, county Limerick, Ireland, aged 39 years.

His friends and acquaintances and members of St. Patrick's Mutual Alliance and Benevolent Association are requested to attend the funeral, from 249 avenue B, on Sunday, November 3, at two o'clock P. M. sharp.

DUNYER.—On Friday, November 1. SANFORD TOWNSEND, son of Sanford and Ellen A. Duryes, aged 1 year and 15 days.

Funeral services at two o'clock P. M. Sunday, the Sunday that the santant, at 32 Kossuth place, Brooklyn, E. D.

FAGANS.—Suddenly, in Brooklyn, on Wednesday, October 30, 1872, Philip Q. PAGANS, in the 60th year of his age.

October 30, 1872, PHILIP Q. PAGANS, in the 60th year of his age.

The relatives and friends of the family are invited to attend the funeral, from his late residence, 375 Aliantic street, at one o'clock P. M. Also the members of Friendship Council, No. 9, O. U. A. M., to meet at Friendship Council rooms, 49 Court street, Brooklyn, Sister Councils are respectfully

invited to attend, on Sunday, November 8, at eleven

WASHINGTON, D. C., Nov. 1, 1872.

invites to attend, on Sunday, November S, at elever o'clock sharp.

Gerran.—On Thursday, October 31, Hanry G.,

The relatives and friends, and those of his brothers Diedorich, John H., Jacob G., George H. and Herman H., also the members of the Tabernacie to attend the funeral, from the residence of his brother, 138 North Oxford street, Brooklyn, on Saturday, November 2, at two o'clock P. M.

Tabernacle Lodge, No. 598, F. and A. M.—Brethren, you are hereby summoned to attend a special communication of this lodge, at its rooms, No. 185 West Thirtieth street, this day (Saturday), November 2, to attend the funeral of our late brother, Henry G. Gerken, at twelve o'clock M., sharp. By order.

WILLIAM BRUCE, Secretary.

Harriman and daughter of J. W. Hancox, in the 24th year of her age.

Funeral from her late residence, at Greenville, N. J., on Saturday, November 2, at half-past twelve o'clock. New Jersey Central Railroad train, from foot of Liberty street, at 11:45 A. M.

HOLLEHAN.—On Thursday, October 31, ELIZA HOLLEHAN, aged 24 years.

The funeral will take place this (Saturday) afternoon, at one o'clock, from 234 East Seventh street, Hoppock.—At Hastings on the Hudson, on Friday morning, November 1, Moses A. Hoppock.

The relatives and friends are invited to attend the funeral, on Monday, November 4, at eleven o'clock A. M. Train from Porty-second street depot at 9:10 A. M.

HUGHES.—On Wednesday, October 30, 1872, at his residence, 631 West Forty-second street, James Hughes, native of county Westmeath, parish of kinnegad, Ireland, aged 35 years.

The friends of the family are requested to attend his funeral, on Sunday, at one o'clock precisely.

Kielly.—On Thursday, October 31, 1872, William Kienly, Feland.

The funeral will take place on Saturday, November 2, at one o'clock. The relatives and friends of the family are respectfully invited to attend the funeral, on Sunday afternoon, a

o'clock, at the residence of her parents, corner of East New York.

MILLER.—At Troy, on Tuesday, October 29, suddenly, Edward Miller, of this city, in the 72d year of his age.

MURRAY.—In Brooklyn, on Friday, November 1, Robert, only child of Robert and Emma Timpson Murray, aged 7 months and 21 days.

The relatives and friends of the family are respectfully invited to attend the funeral, from the residence of his parents, 302 Cariton avenue, on Sunday, November 3, at three o'clock P. M.

MCSORLEY.—On Friday, November 1, 1872, Edward MCSORLEY, a native of the parish of Killskerry, county Tyrone, Ireland, in the 53d year of his age.

The relatives and friends of the family are respectfully invited to attend the funeral, from his late residence, 648 Water street, on Sunday afternoon, at half-past one o'clock.

NEEFUS.—Suddenly, on Wednesday, October 30, Peter W. Neefus, aged 51 years.

The funeral will take place on Sunday, November 3, at one o'clock, from St. John's church, Varick street.

BENEVOLENT LODGE, NO. 28, F. AND A. M.—

3. at one o'clock, from Sk south.

Street.

BENEVOLENT LODGE, No. 28, F. AND A. M.—
BRETHREN—You are hereby summoned to attend
an emergent communication, to be held at the
the lodge room, No. 8 Union square, on Sunday, 3d,
inst., at twelve M. sharp, for the purpose of paying
the last sad tribute or respect to our late brother,
Peter W. Neefus. By order of
JOS. KENWORTHY, M.

the last sad tribute of respect to our late brother, Peter W. Neefus. By order of Yester W. Neefus. By order of JOS. KENWORTHY, M. W. J. SURRE, Secretary.

WM. J. SURRE, Secretary.

NOLTEMEYER.—At Jersey City Heights, on Thursday, October 31, Adolph Noltemeyer, in the 61st year of his age.

The relatives and friends are respectfully invited to attend the funeral, at his residence, wilks street, at one P. M., Saturday, November 2, O'DONOGHUE.—On Wednesday, October 30, at four o'clock P. M., at St. Mary's Hospital, Hoboken, N. J., Thomas O'DONOGHUE, a native of county Tipperary, Ireland, aged 31 years.

The remains will be conveyed from the residence of Jacob Volke, undertaker, on Sunday, November 3, to St. Mary's church, at two o'clock P. M., and thence to the old Catholic Cemetery for interment, Company A, First battailor, N. G. S. N. J., and Sarsfield Association of Hoboken, N. J., are requested to attend.

PAGE.—Suddenly, on Thursday, October 31, as eleven P. M., of heart disease, PITKIN PAGE, formerly commander of ships Washington and Ocean Mon arch, in the 64th year of his age.

Relatives and freinds of the family, also ship masters, are respectfully invited to attend his funeral, from his late residence, 337 Bridge street Brooklyn, on Monday, November 4, at two P. M.

PETTY.—On Saturday, October 26, at Southold.

L. I., after a long and painful illness, Josephine eldest daughter of Jeremiah and Sarah J. Petty.

REGNEY.—Beiloger Hegney, sister to John and Mary Regney, born in the parish of Meetic, county of Galway, Ireland.

Her funeral will take place on Sunday, November 3, at two o'clock P. M.; Calvary Cemetery,

REID.—Suddenly, on Friday, November 1, al Newark, N. J., MARY B. EARLE, widow of Erastic Reid.

ROBERT.—On Thursday, October 31, ISABELLA RIGOW of Thomas Robert, in the 84th year of he

widow of Thomas Robert, in age.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, 20 Sixth avenue, on Saturday, November 2, at one o'clock P. M.

Rowe.—At Williamsburg, N. Y., on Thursday, October 31, of paralysis, George Rowe, in the 65th year of his age.

The relatives and friends of the family and the members of Ocean Lodge, No. 321, I. O. O. F., are respectfully invited to attend the funeral, on Sna-

members of Ocean Lodge, No. 321, L. O. O. F., are respectfully invited to attend the funeral, on Sunday, November 3, at two o'clock, from Grace Episcopal church, Conselves street, between Lorimer and Leonard, Williamsburg.

Utica, N. Y., papers please copy.

The officers and members of Ocean Lodge, No. 110, L. O. O. F., are hereby notified to attend a meeting of the lodge, at their rooms, on Sunday, November 3, at twelve o'clock M. to pay the last tribute of respect to our late brother, George Rowe, P. G. By order of PETER PAYNTON, N. G.

ROWLAND.—On Thursday, October 31, ROSANNA FITCH, wife of Wesley S. Rowland, aged 46 years. The relatives and friends are invited to attend the funeral service, on Sunday, November 3, at four o'clock P. M., at the Alanson Methodist Episcopal church, Norfolk street, near Grand.

SALTER.—On Friday, November 1, 1872, HARRIET CHASE SALTER, widow of Benjamin Salter, in the 78th year of her age.

The friends of the family are invited to attend the funeral, from her late residence, 193 Tenth avenue, on Sunday atternoon, at four o'clock. Her remains will be taken to Portsmouth for interment. SAMELS.—The members of Olympic Lodge, No. 207, L. O. O. F., are hereby summoned to attend a special communication of above lodge on Sunday, November 3, 1872, at twelve o'clock, sharp, at their lodge room, 193 Bowery, to pay the last tribute of respect to our late lamented brother, Lewis Samuels. Members of sister lodges are fraternally requested to participate. By order of SPROULLS, eldest son of Samuel E. and Rosilla Sproulls.

Relatives and friends of the family are invited to attend the funeral from St. Ceoveris elevents.

SPROULLS, eldest son of Samuel E. and Rosilla Sproulls.

Relatives and friends of the family are invited to attend the funeral, from St. George's church. Stuvvesant square, on Monday, November 4, at twelve o'clock M.

TALT.—On Thursday. October 31, \$72, MARGARET TALT, beloved wife of Lawrence Talt, native county Westmeath, Ireland, in her 48th year.

The friends of the family are requested to attend the funeral, from her late residence, 406 West Thirty-first street, on Sunday, November 3, at two P. M.

TRICEY.—PALESTINE LODGE, NO. 204, P. A. M.—The members are summoned to attend an emergent communication of the Lodge, at the Lodge room, on Saturday, November 2, at twelve o'clock noon, to attend the funerat of Brother John Tracey.

TREMPER.—On Friday, November 1, CATHARINE C. TREMPER. TREMPER.—On Friday, November 1, CATHARIME C. TREMPER.
Funeral services at the residence of her nephew, George N. Pratt, 18 Cottage place, to-morrow, Sunday afternoon, at four o'clock.
TWIBLE.—On Friday, November 1, JANE TWIBLE, native of the county Monaghan, Ireland, in the estity of her age.
The funeral will take place from her late residence, 213 East Twenty-eighth street, on Sunday, at one o'clock P. M. The friends are invited.
VAN ZANDT.—On Thursday, October 31, URABLES A. VAN ZANDT.

VAN ZANDT.—On Thursday, occopied at A. VAN ZANDT.

Family and friends are invited to attend the funeral, at Trinity church, on Saturday, November 2, attwelve o'clock.

WILLIAMSON.—On Thursday, October 31, JANE, wife of William J. Williamson, in the 71st year of her age.

wife of William J. Williamson, in the family, also members of Prentice Boy's Lodge, No. 7, of the American Protestant Association, are respectfully invited to attend the funeral, from her late residence, 335 Ninth avenue, this day (Saturday), at one o'clock. County Derry (Ireland) papers please copy, Woolom.—On Friday, November 1, James J. Worlow.

The relatives and friends are invited to attend hi

funeral, from his late residence, Rossville, States Island, on Sunday, at one o'clock, without further

Interial, from his late residence, kossynie, Stater notice.

Wortherspoon.—Suddenly, at Dresden, Saxony, Mary Alberrina, daughter of the late George Wotherspoon, Jr., of this city, Wrede.—In Brooklyn, on Friday, November 1, J. F. Wilhelm Wrede, aged 47 years, I month and days.

The relatives and friends, and also Separat Troop Cavalry, Company A, Captain L. Sandhuser (Ringgold Horse Guard), are respectfully invited to attend the funeral, from his late residence, Vander bilt avenue, corner St. Mark's avenue, Brooklyn, of Sunday, the 3d inst., at two P. M.

Young.—On Thursday evening, October 31, Harry Edward Young, only son of William Young, Esq., late proprietor of the New York Albion, aged 10 years.

Friends and acquaintances of the family are in vited to attend the funeral, from St. George's church (Dr. Tyng), Stuyvesaut square, on Monday November 4, at ten o'clock, without further notices.